REMARKS

Applicants respectfully request that the above-referenced patent application be re-examined and reconsidered. Claims 1-32 are now pending in this application. In an Office Action dated October 1, 2002 (hereinafter "Office Action"), Claims 2, 3, 18, and 19 were rejected under 35 U.S.C. § 112, first paragraph, as being based on a non-enabling disclosure. Claims 12 and 28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention. In addition, Claims 1-3, 5, 7-11, and 14-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Greco et al. (U.S. Patent No. 5,568,540). Claims 4, 6, 12, 13, 22, 28, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Greco et al. in view of other secondary references. Applicants have amended the claims to particularly point out and identify the subject matter that applicants regard as the invention. Applicants have also amended the claims to address several format issues and to enhance the readability of the claims. Pursuant to 37 C.F.R. § 1.111, and for the reasons set forth below, applicants respectfully request reconsideration and allowance of this application.

Rejection Under 35 U.S.C. § 112, First Paragraph

The Office Action rejects Claims 2, 3, 18, and 19 under 35 U.S.C. § 112, first paragraph, as being based on a non-enabling disclosure. Applicants have amended the claims to more particularly point out and distinctly claim the subject matter that applicants regard as the invention. More specifically, the word "or" has replaced the word "and" so that the command is defined to include a "voice command, a digital command, or a keyed command." In view of these amendments, applicants have properly addressed the rejection under 35 U.S.C. § 112, and request that this rejection of Claims 2, 3, 18, and 19 be withdrawn.

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Rejection Under 35 U.S.C. § 112, Second Paragraph

Pursuant to the rejection under 35 U.S.C. § 112, second paragraph, applicants have amended Claims 12 and 18 to remove the term "portion." In view of these claim amendments, applicants respectfully request that this rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejection Under 35 U.S.C. § 102

To establish a proper rejection under 35 U.S.C. § 102(e), "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (August 2001). Section 2131 of the M.P.E.P. further states that, "the *identical invention must be shown in as complete detail* as is contained in the ... claim." *See Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). As described in more detail below, applicants respectfully submit that a rejection under 35 U.S.C. § 102(e) cannot be appropriately applied to Claims 1-3, 5, 7-11, and 14-16, because the cited reference does not disclose each element of Claim 1. In view of the following remarks, and the above described claim amendments, applicants respectfully request that this rejection be withdrawn.

Regarding Claim 1, as amended, applicants claim a method for repositioning the playback position of a voice message. The method is directed to a combination of steps, including the steps of "repositioning the voice message upon the receipt of a start command to begin repositioning, wherein the start command is communicated from a telephone to the voice message system." In addition, Claim 1 also comprises the step of "stopping the repositioning upon the receipt of a stop command initiated by the user to stop the repositioning, wherein the stop command is communicated from the telephone to the voice message system." As clearly defined, the method includes control commands that are communicated from a "telephone."

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Conversely, Greco et al. discloses a system having a graphical user interface that is displayed on and controlled by a computer. As shown on Figure 3 of Greco et al., the graphical user interface includes control buttons to pause, stop, rewind, and fast forward a message stored on the computer. Although Greco et al. discloses a system 10 having a telephone 12, Greco et al. fails to teach or suggest any control commands for playing or stopping, or fast forwarding a voice message by the use of the telephone.

In addition, Greco et al. fails to disclose the method of "stopping the repositioning upon the receipt of a stop command initiated by the user to stop the repositioning." Although the graphical user interface provides a function for forwarding or rewinding a message for "a few seconds," this feature disclosed in Greco et al. fails to even suggest a method where the repositioning of a message is stopped "upon the receipt of a stop command." Greco et al. simply does not disclose a stop command during a repositioning process. Applicants respectfully submit that Greco et al. discloses a start command to begin repositioning, but Greco et al. fails to disclose or suggest a method that includes the receipt of both a start and a stop command.

As described above, applicants have explicitly shown that Greco et al. does not anticipate each and every element of Claim 1. In addition, the rejection fails to meet the requirements of M.P.E.P. § 2131 which states that "the identical invention must be shown in as complete detail as contained in the . . . claim." For at least these reasons, applicants respectfully request that the rejection under 35 U.S.C. § 102(e) be withdrawn.

Since Claims 2-16 depend on Claim 1, and Claims 17-32 are system claims having language which parallels the language of Claim 1, the analysis applied to Claim 1 also applies to these claims and their respective dependent claims. Therefore, applicants respectfully submit that Claims 2-32 are in condition for allowance for the same reasons as Claim 1. Further, the dependent claims are submitted to be allowable for additional reasons. More specifically, with

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respect to Claims 8 and 24, none of the cited references teaches or suggests a system or method of repositioning a voice message, wherein, "the supervisory signal operates at variable intervals." Although Greco et al. discloses a system having feedback to a user (a bar graph 149), this feature does not suggest a supervisory signal that "operates at variable intervals." The graphical bar (item 148 of Figure 4) continuously displays the position of the message being played. This feature is completely different than applicants' claimed feature of variable interval supervisory signals. With respect to Claims 10, 11, 25, and 26, none of the cited references, alone or in combination, discloses or suggests a method or system for repositioning a message, wherein the variable intervals of a supervisory signal are based on "the length of the voice message" (Claims 9 and 25) or "the position of the voice message" (Claims 10 and 26).

Rejection Under 35 U.S.C. § 103

The Office Action rejected Claims 4 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Greco et al. in view of Knuth et al. In addition, the Office Action rejects Claims 6, 12, 13, 22, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Greco et al. in view of a combination of many other references. Applicants respectfully note that all of the rejections under 35 U.S.C. § 103(a) depend on the base reference Greco et al. In view of the claim amendments and the remarks distinguishing Claim 1, applicants respectfully submit that Greco et al. fails to suggest the key features of the independent claims, Claims 1 and 17. More specifically, Greco et al., alone or in combination with any of the cited references, fails to suggest, "repositioning the voice message upon receipt of a start command to begin repositioning, wherein the start command is communicated from a telephone to the voice message system." In addition, Greco et al., alone or in combination with any other cited reference, is void of describing a method of "stopping the repositioning upon the receipt of a stop

command initiated by the user to stop the repositioning, wherein the stop command is communicated from the telephone to the voice message system."

To establish a *prima facie* case of obviousness, M.P.E.P. § 2143 requires that the prior art references "must teach or suggest all the claim limitations" and that there "must be some suggestion or motivation, either in the references themselves or in knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings." *See* M.P.E.P. § 2143 (August 2001). As indicated above, the Office Action has failed to show, and applicants are unable to find, where Greco et al., alone or in combination with any other cited reference, discloses or suggests each and every element of applicants' claims. Therefore, applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness and request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing remarks, it is submitted that the present application is now in condition for allowance. Reconsideration and re-examination of the application, and allowance of the claims are solicited. If the Examiner has any questions or comments regarding this matter, the Examiner is invited to contact applicants' undersigned attorney at the number below.

Respectfully submitted,

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The Attorney Docket Number has been changed.

In the Claims:

1.   (Amended) A voice message repositioning method for a voice message system that stores voice messages for a user of the system and provides feedback to the user regarding the progress of repositioning the playback of a voice message, the repositioning method comprising the steps of:

(a)   repositioning the voice message upon receipt of a start command to begin repositioning, wherein the start command is communicated from a telephone to the voice message system;

(b)   providing feedback to the user via a supervisory signal during repositioning; and

(c)   stopping the repositioning upon receipt of a stop command initiated by the user to stop the repositioning, [whereby the need for the user to repeatedly issue commands to reposition the voice message is minimized.] wherein the stop command is communicated from the telephone to the voice message system.

2.   (Amended) The method of Claim 1, wherein the start command to begin repositioning is provided by the user of the voice message system and includes a voice command, a digital command, [and] or a keyed command.

3.   (Amended) The method of Claim 1, wherein the stop command to stop repositioning is provided by the user of the voice message system and includes a voice command, a digital command, [and] or a keyed command.

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12.   (Amended) The method of Claim 11, further comprising the steps of stopping the repositioning substantially at the end of the message and playing [a portion of] the message substantially preceding the end.

16.   (Amended) The method of Claim 15, further comprising the steps of providing a signal <u>indicating</u> that the beginning of the message has been reached.

17.   (Amended) A voice message repositioning system that stores voice messages for a user of the system and provides feedback to the user regarding the progress of repositioning the playback of a voice message, the system comprising:

(a)   a processor; and

(b)   a memory coupled to the processor, the memory storing program code implemented by the processor for:

(i)   repositioning the voice message upon receipt of a <u>start</u> command to begin repositioning<u>, wherein the system is adapted for receiving the start command from a telephone</u>;

(ii)   providing feedback to the user via a supervisory signal during repositioning; and

(iii)   stopping the repositioning upon receipt of a command by the user to stop repositioning, [whereby the need for the user to repeatedly issue commands to reposition the voice message is minimized.] <u>wherein the system is adapted for receiving the stop command from the telephone.</u>

18.   (Amended) The voice message repositioning system of Claim 17, wherein the <u>start</u> command to begin repositioning is provided by the user of the voice message system and includes a voice command, <u>a</u> digital command, [and] <u>or a</u> keyed command.

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19.   (Amended) The voice message repositioning system of Claim 17, wherein the stop command to stop repositioning is provided by the user of the voice message system and includes a voice command, a digital command, [and] or a keyed command.

23.   (Amended) The [method] voice message repositioning system of Claim 17, wherein the supervisory signal operates at fixed intervals.

24.   (Amended) The [method] voice message repositioning system of Claim 17, wherein the supervisory signal operates at variable intervals.

25.   (Amended) The [method] voice message repositioning system of Claim 24, wherein the variable intervals are based on the length of the voice message.

26.   (Amended) The [method] voice message repositioning system of Claim 24, wherein the variable intervals are based on the position in the voice message.

28.   (Amended) The voice message repositioning system of Claim 27, wherein the program code when executed by the processor further:

(a)   stops the repositioning substantially at the end of the message; and

(b)   plays [a portion of] the message preceding the end.

29.   (Amended) The voice message repositioning system of Claim 28, wherein the program code when executed by the processor further provides a signal indicating that the end of the message has been reached.

32.   (Amended) The voice message repositioning system of Claim 31, wherein the program code when executed by the processor further provides a signal indicating that the beginning of the message has been reached.

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